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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,437	12/22/2005	Reinhard Kupfer	WSP232US	9119
24041	7590	11/28/2006	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			ROBINSON, DANIEL LEON	
			ART UNIT	PAPER NUMBER
			3742	
DATE MAILED: 11/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,437

Applicant(s)

KUPFER ET AL.

Examiner

Daniel L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

Applicant's election with traverse of Group I, Claims 17-37, in the reply filed on 8-23-2006 is acknowledged. The traversal is on the ground(s) that all Groups relate to a single invention. This is found persuasive because the Groups II and III have been rewritten to incorporate all the features of the subcombination.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-22, 26-33-34, 37-39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yano et al.(U.S.Pat.6,167,681). With regard to claims 26-28 and 34 the size of the given elements is not germane to patentability *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano in view of Palmqvist et al.(U.S.Pat.6,725,634). Yano discloses a sealing apparatus that shows many of the features of the claimed invention but fails to show a PEEK pressure element. Palmqvist discloses a counterrail and counter element in a sealing apparatus and method of manufacturing that shows using a PEEK pressure element. It would have been obvious at the time of the claimed invention to use a PEEK pressure element as taught by Palmqvist with the device of Yano to apply pressure and electrical insulation.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yano in view of Kistner et al.(U.S.Pat.6,333,471). Yano discloses a sealing apparatus that shows many of the features of the claimed invention but fails to show a ceramic pressure element. Kistner discloses a combined superplastic forming and adhesive bonding system that shows a ceramic pressure member. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a ceramic pressure member, as taught by Kistner, with the device of Yano for rigidity.

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Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano in view of Hilmersson et al. (U.S. Pat. 4,704,509). Yano discloses a sealing apparatus that shows many of the features of the claimed invention but fails to show a non-conductive and/or non-magnetic material surrounding a heating device.

Hilmersson discloses an induction apparatus and method for sealing of thermoplastic material that shows a heating device surrounded as claimed. It would have been obvious to one of ordinary skill to surround the heating device so as to fuse a thermoplastic packaging material.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mazzetto, Laweck, Konno, Konno'392, Freed and Sano are cited to show structure similar to the claimed invention.

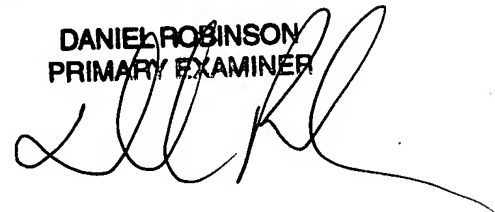
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Robinson whose telephone number is 571-272-4788. The examiner can normally be reached on m-f 5:30-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANIEL ROBINSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'DR', is written over the printed name and title of the examiner.

dlr